

**FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 9, 2004**

House of Representatives

The House convened at 9:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jeremiah Kats, Page.

Approval of Journal

March 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-seventh Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 5, 2004

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 720

/s/ Very truly yours,
DIRK A. KEMPTHORNE
Governor

March 8, 2004

Mr. Speaker:

I transmit herewith enrolled **S 1278, SCR 122, and SJM 108** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1278, SCR 122, and SJM 108** and, when so signed, ordered them returned to the Senate.

March 8, 2004

Mr. Speaker:

I transmit herewith **S 1415, S 1275, S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, S 1262**, as amended, and **S 1280**, as amended, which have passed the Senate.

WOOD, Secretary

S 1415, S 1275, S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, S 1262, as amended, and **S 1280**, as amended, were filed for first reading.

March 8, 2004

Mr. Speaker:

I return herewith **HCR 51** and **HCR 47** which have passed the Senate.

WOOD, Secretary

HCR 51 and **HCR 47** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 822, H 823, and H 824** and House Amendments to **H 666, H 728, H 752, S 1279**, as amended, **H 751, H 754**, and **H 799**.

FIELD(18), Chairman

H 822, H 823, and H 824 were filed for second reading.

March 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 500**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 500**, as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 666**, as amended, **H 728**, as amended, **H 752**, as amended, **H 751**, as amended, **H 754**, as amended, and **H 799**, as amended.

FIELD(18), Chairman

H 666, as amended, **H 728**, as amended, **H 752**, as amended, **H 751**, as amended, **H 754**, as amended, and **H 799**, as amended, were filed for first reading of engrossed bills.

March 9, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 715, H 718, H 721, H 722, H 723, H 732, H 733, H 734, H 735, H 736, H 737, H 477, H 478, H 479**, and **H 481** to the

Governor at 10:35 a.m., as of this date, March 8, 2004.

FIELD(18), Chairman
March 5, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 760** and **H 761** and report them back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

H 760 and **H 761** were placed on General Orders for consideration.

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 816** and recommend that it do pass.

JONES, Chairman

H 816 was filed for second reading.

March 8, 2004

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **S 1298** and recommend that it do pass.

BARRETT, Chairman

S 1298 was filed for second reading.

March 9, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 797**, **SCR 130**, **SCR 131**, and **S 1372** and recommend that they do pass.

DEAL, Chairman

H 797, **SCR 130**, **SCR 131**, and **S 1372** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 825
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE AN ADDITIONAL EXEMPTION FOR CERTAIN OWNERS; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 826
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO CLARIFY THAT CERTAIN ADJUSTMENTS TO THE MAXIMUM AMOUNT SUBJECT TO PROPERTY TAX EXEMPTION SHALL BE MADE, TO PROVIDE FOR CERTAIN ANNUAL ADJUSTMENTS TO THE MAXIMUM AMOUNT SUBJECT TO PROPERTY TAX EXEMPTION, TO PROVIDE FOR PUBLICATION AND DISSEMINATION OF ADJUSTMENTS, TO PROVIDE THAT THE PUBLICATION OF ADJUSTMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 827
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622QQ, IDAHO CODE, TO PROVIDE A SALES TAX EXEMPTION FOR EQUIPMENT AND SUPPLIES WITH AN EXCEPTION TO BE USED FOR AN ALTERNATIVE METHOD OF GENERATION OF ELECTRICAL ENERGY, TO PROVIDE MINIMUM GUIDELINES AND TO PROVIDE DEFINITIONS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 828
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO INSURANCE; AMENDING SECTION 41-1229, IDAHO CODE, TO REVISE THE RATE OF TAX ON SURPLUS LINES; AND AMENDING SECTION 41-1233, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 829
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO THE HEALTHY IDAHO ADVISORY COMMITTEE; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1054, IDAHO CODE, TO CREATE THE HEALTHY IDAHO ADVISORY COMMITTEE, TO SET FORTH MEMBERSHIP, TO PROVIDE FOR THE ELECTION OF A CHAIR, TO PROVIDE THAT A MAJORITY CONSTITUTES A QUORUM, TO REQUIRE MONTHLY MEETINGS, TO PROVIDE THAT MEMBERS SERVE WITHOUT PAY, TO PROVIDE THAT THE COMMITTEE SHALL MAKE RECOMMENDATIONS AND TO SET FORTH CONSIDERATIONS.

**HOUSE BILL NO. 830
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE ROBERT R. LEE PROMISE SCHOLARSHIP; AMENDING SECTION 33-4305, IDAHO CODE, TO PROVIDE ADDITIONAL PURPOSES; AMENDING CHAPTER 43, TITLE 33, IDAHO CODE, BY

THE ADDITION OF A NEW SECTION 33-4306A, IDAHO CODE, TO PROVIDE ELIGIBILITY CRITERIA FOR DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS, TO PROVIDE THAT DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS SHALL REMAIN DRUG, ALCOHOL AND TOBACCO FREE AND TO PROVIDE PROCEDURES; AND AMENDING SECTION 33-4307, IDAHO CODE, TO PROVIDE THE AMOUNT AND LENGTH OF THE AWARD FOR DRUG, ALCOHOL AND TOBACCO FREE CATEGORY STUDENTS, TO PROVIDE FOR REPORTS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

H 825, H 826, H 827, H 828, H 829, and H 830 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1275, by Transportation Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1262, as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1280, as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1279, as amended, as amended in the House, by Health and Welfare Committee, was introduced, read the first time by title, and filed for second reading.

S 1415, S 1423, S 1424, S 1425, S 1426, S 1427, and S 1428, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

H 666, as amended, by Judiciary, Rules, and Administration Committee, was introduced, read the first time by title and filed for second reading.

H 728, as amended, by Education Committee, was introduced, read the first time by title and filed for second reading.

H 752, as amended, **H 754**, as amended, and **H 799**, as amended, by Revenue and Taxation Committee, were introduced, read the first time by title and filed for second reading.

H 751, as amended, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 818, H 819, H 820, and H 821, by Appropriations Committee, were read the second time by title and filed for third

reading.

S 1243, as amended, **S 1302, S 1303, and S 1304**, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1331, S 1344, and S 1345, by Education Committee, were read the second time by title and filed for third reading.

S 1408, S 1409, S 1410, S 1411, S 1412, S 1413, and S 1414, by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

At this time, Mr. Denney took the Chair.

H 731 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Naccarato to open debate.

The question being, "Shall **H 731** pass?"

Roll call resulted as follows:

AYES -- Andersen, Boe, Douglas, Eberle, Ellsworth, Gagner, Garrett, Henbest, Kellogg, Langhorst, Martinez, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Robison, Rydallch, Saylor, Smith(30), Smylie. Total -- 21.

NAYS -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Edmunson, Eskridge, Field(18), Field(23), Harwood, Jaquet, Jones, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 49.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 731** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

H 774 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Speaker and Mr. Stevenson to open debate.

The question being, "Shall **H 774** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller,

Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Harwood, Jones, McKague. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 774** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 808 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Gagner to open debate.

At this time, the Speaker returned to the Chair.

The question being, "Shall **H 808** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Denney, Edmunson, Harwood, Jones, McKague, Wills. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 808** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 815 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **H 815** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer,

Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Black, Gagner, Wills. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 815** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 787 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke and Ms. Jaquet to open debate.

The question being, "Shall **H 787** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bradford, Langhorst, Wills, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 787** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 807 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall **H 807** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler,

Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Bradford, Langhorst, Naccarato, Wills. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 807** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 806 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Jones to open debate.

The question being, "Shall **H 806** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Bolz, Campbell, Collins, Crow, Cuddy, Deal, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Jones, Kellogg, Langford, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Ridinger, Ring, Ringo, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 45.

NAYS -- Barrett, Bayer, Boe, Bradford, Cannon, Clark, Denney, Douglas, Eberle, Gagner, Henbest, Jaquet, Kulczyk, Lake, Langhorst, McGeachin, McKague, Moyle, Pasley-Stuart, Raybould, Roberts, Robison, Sali, Schaefer. Total -- 24.

Absent and excused -- Wood. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 806** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that the House recess until 1 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Roberts asked unanimous consent that Rule 70, with the

exception of smoking, be suspended for the balance of the Legislative Week. There being no objection, it was so ordered.

S 1250 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Edmunson to open debate.

The question being, "Shall **S 1250** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 61.

NAYS -- Clark. Total -- 1.

Absent and excused -- Barraclough, Barrett, Gagner, Lake, McKague, Rydalch, Wills, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **S 1250** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1251 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall **S 1251** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Mr. Speaker. Total -- 59.

NAYS -- None.

Absent and excused -- Barraclough, Barrett, Crow, Gagner, Lake, McKague, Mitchell, Rydalch, Trail, Wills, Wood. Total -- 11.

Total -- 70.

Whereupon the Speaker declared **S 1251** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1306 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

Mr. Clark asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1306**. There being no objection, it was so ordered.

The question being, "Shall **S 1306** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Deal, Denney, Douglas, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 54.

NAYS -- Bauer, Bayer, Clark, Cuddy, Eberle, Harwood, Kellogg, Kulczyk, McKague, Nielsen, Sali, Schaefer. Total -- 12.

Absent and excused -- Barrett, Edmunson, Wills, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1306** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1234, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Ridinger to open debate.

The question being, "Shall **S 1234**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 62.

NAYS -- None.

Absent and excused -- Barrett, Deal, Edmunson, Harwood, Lake, Naccarato, Wills, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **S 1234**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1263 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **S 1263** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 63.

NAYS -- None.

Absent and excused -- Barrett, Edmunson, Harwood, Lake, Naccarato, Wills, Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **S 1263** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1281 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **S 1281** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kulczyk, Langford, Martinez, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 59.

NAYS -- Bayer, Clark, Kellogg, Langhorst, McGeachin, Meyer. Total -- 6.

Absent and excused -- Barrett, Edmunson, Lake, Wills, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1281** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1240 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **S 1240** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jaquet, Jones, Kellogg, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 59.

NAYS -- Bauer, Henbest, Kulczyk, Langford, Moyle, Ringo. Total -- 6.

Absent and excused -- Barrett, Edmunson, Lake, Wills, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **S 1240** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1241 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Snodgrass to open debate.

The question being, "Shall **S 1241** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Barrett, Lake, Wills, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1241** passed the House. Title was approved and the bill was ordered returned to the Senate.

Ms. Jaquet, having voted on the prevailing side, served notice that she may ask for reconsideration of the vote by which **S 1281** passed the House.

S 1281 was ordered held at the Desk.

S 1242 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **S 1242** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- Kulczyk. Total -- 1.

Absent and excused -- Barrett, Lake, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1242** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1274 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cannon to open debate.

The question being, "Shall **S 1274** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 63.

NAYS -- Harwood, McKague, Ringo. Total -- 3.

Absent and excused -- Barraclough, Barrett, Lake, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1274** passed the House.

Title was approved and the bill was ordered returned to the Senate.

Mr. Denney asked unanimous consent that **S 1224** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

S 1318 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sali to open debate.

The question being, "Shall **S 1318** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 58.

NAYS -- Boe, Bradford, Clark, Jones, Mitchell, Ringo, Sayler, Smith(24), Mr. Speaker. Total -- 9.

Absent and excused -- Barraclough, Harwood, Naccarato. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1318** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1291 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin and Mr. Ring to open debate.

The question being, "Shall **S 1291** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- McKague. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1291** passed the House. Title was approved and the bill was ordered returned to the

Senate.

S 1320 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Martinez to open debate.

The question being, "Shall **S 1320** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 70.

Whereupon the Speaker declared **S 1320** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1299 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **S 1299** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- Smith(24). Total -- 1.

Total -- 70.

Whereupon the Speaker declared **S 1299** passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

The time having expired for reconsideration of the vote by which **S 1281** passed the House, the Speaker declared **S 1281** passed the House and ordered the bill returned to the Senate.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 25 BY WAYS AND MEANS COMMITTEE A JOINT MEMORIAL

TO THE CONGRESSIONAL DELEGATION
REPRESENTING THE STATE OF IDAHO IN THE
CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, many skilled nursing facilities in the state of Idaho have elected to participate in an independent national accreditation program for long-term care and additional inspections are costly and unnecessarily duplicative; and

WHEREAS, an independent accreditation process is designed to assist skilled nursing facilities integrate quality improvement principles in their daily operations and improve resident health outcomes; and

WHEREAS, an independent survey process by recognized national accrediting organizations is designed to be consultative and not punitive; and

WHEREAS, costs for the current nursing facility survey system are approximately twice the cost of an independent accreditation process and it is in the best interests of the facilities, the Medicare program and the welfare of individuals receiving care under the program, and the United States federal government that unnecessary waste be eliminated whenever possible.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Idaho delegation in the Congress of the United States to attempt to secure a waiver or exemption from the Centers for Medicare and Medicaid Services (CMS) to allow an approved national accrediting body, at the request of the skilled nursing facility, to conduct survey and certification reviews for Medicare and Medicaid participation. If the nursing facility is unable to receive appropriate accreditation, the current survey and certification process will be utilized. The nursing facility requesting accreditation will be responsible for payment of all costs associated with the accreditation process and these costs prorated to the Medicare program for purposes of cost reimbursement.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the congressional delegation representing the State of Idaho in the Congress of the United States.

HJM 25 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 831 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO APPLICATIONS OF THE PUBLIC
EMPLOYEE RETIREMENT SYSTEM; AMENDING
SECTION 59-1342, IDAHO CODE, TO GOVERN THE
COMPUTATION OF SERVICE RETIREMENT
ALLOWANCES FOR MEMBERS WHOSE SERVICE IS
ACCRUED THROUGH LEGISLATIVE SERVICE IN
COMBINATION WITH OTHER COVERED SERVICE; AND
AMENDING SECTION 59-1346, IDAHO CODE, TO
GOVERN COMPUTATION OF EARLY RETIREMENT
ALLOWANCES FOR MEMBERS WHOSE SERVICE IS
ACCRUED THROUGH LEGISLATIVE SERVICE IN
COMBINATION WITH OTHER COVERED SERVICE.

HOUSE BILL NO. 832 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO PUBLIC INFRASTRUCTURE
IMPROVEMENTS DISTRICTS; AMENDING TITLE 50,
IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER
30, TITLE 50, IDAHO CODE, TO PROVIDE LEGISLATIVE
PURPOSE AND A SHORT TITLE, TO DEFINE TERMS, TO
PROVIDE FOR CREATION OF PUBLIC INFRASTRUCTURE
IMPROVEMENTS DISTRICTS, TO PROVIDE FOR
ORGANIZATION OF A DISTRICT, TO PROVIDE POWERS
OF A DISTRICT, TO PROVIDE FOR A CHANGE IN
DISTRICT BOUNDARIES OR THE GENERAL PLAN, TO
PROVIDE FOR FINANCES, TO PROVIDE FOR GENERAL
OBLIGATION BONDS AND TAX LEVIES, TO PROVIDE
FOR REVENUE BONDS AND FEES AND CHARGES, TO
PROVIDE TERMS OF THE BONDS, TO PROVIDE FOR
TAXES, TO PROVIDE FOR NOTICE AND CONDUCT OF
ELECTIONS, TO PROVIDE FOR FINANCIAL
STATEMENTS AND ESTIMATES, BUDGETS AND
CERTIFICATION OF LEVIES, TO PROVIDE FOR
DISSOLUTION OF A DISTRICT, TO PROVIDE FOR
EXEMPTIONS AND EXCLUSIONS, TO PROVIDE FOR
LIMITATION OF LIABILITY, TO PROVIDE FOR APPEAL,
EXCLUSIVE REMEDY AND CONCLUSIVENESS, TO
PROVIDE FOR SUBDISTRICTS, TO PROVIDE FOR
CONSISTENCY WITH STATE LAW, TO PROVIDE
LIBERAL INTERPRETATION AND TO PROVIDE
SEVERABILITY.

H 831 and **H 832** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 9:30 a.m., Wednesday, March 10, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:30 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk